

DRAFT:WPB:dlw (8 July 1975)

Dear Mr. Chairman:

I am offering for your consideration our comments on H.R. 8227, a bill concerning the dissemination and use of criminal justice information. The Central Intelligence Agency is strongly committed to the underlying objective of the proposed legislation which is to protect the right of privacy of citizens of the United States. H.R. 8227 seeks to afford this protection by limiting ~~the dissemination, access, and use of criminal~~ ^{to} ~~justice information to criminal justice agencies and for criminal justice~~ ^{CP limiting the use of such} ~~information to~~ ^{CP} purposes.

The Central Intelligence Agency is not a "criminal justice agency" It has been ascertained in discussions with the staff of the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, that is also not intended to characterize the Central Intelligence Agency as a "criminal justice agency" ^{in this bill}. This intent is consistent with and indeed mandated by proscription of section 102(d)(3) of the National Security Act of 1947.

...That the Agency shall have no police, subpoena, law enforcement powers, or internal security functions...

The Central Intelligence Agency's scope of authority is limited to ^{CP} for intelligence matters; it is definitely not a "criminal justice agency"; nor is it involved in the "administration of criminal justice," or other "criminal justice activities."

There is, however, considerable ambiguity and ~~and~~ circuitry in the definitions set forth in section 102 and ~~in section~~ 103 of the proposed legislation. To avoid future confusion over the status of this Agency, it is recommended that clarifying language be inserted in Title I. (Section 1 of the attached memorandum discusses in detail the definitional problems referred to, and the necessity for clarification ~~and opposes amendments~~ which would stasify these considerations while preserving the intent and objectives of the legislation.)

While the Central Intelligence Agency is not to be considered a criminal justice agency, as a non-criminal justice agency ^{under H.R. 8227} it would be confronted with limintations and requirements which could impinge upon its essential responsibility by barring Agency access to important foreign intelligence information.

Collection of foreign intelligence information is a principal statutory function of the Central Intelligence Agency. Section 102(b)(3) of the National Security Act of 1947 imposes on the Agency a duty

Moreover, section 102(e) of the National Security Act of 1947 provides:

Foreign intelligence information can include any significant information on foreign personalities, areas, developments, or events. Upon occasion, it may include items of information on foreign personalities coincidentally defined in section 102 as a "criminal justice information," criminal justice intelligence information," or "criminal justice investigative information"

For example, biographic information on foreign leaders may include "arrest record information," or "criminal record history information" as ^{is} the case

However H.R. 8227 contains the following by...
By limiting access to such information to criminal justice agencies and the use of such information for criminal justice purposes, the regulatory provisions of H.R. 8227...

Could not receive or use
The agency would not produce intelligence
with Premier Castro, Premier Voster. Studies on dissident groups within foreign societies may also contain criminal justice information" as any study of the individuals involved in the Jewish Movement in the Soviet Union would. Foreign intelligence information which this Agency may properly collect or disseminate concerning foreign individuals involved in terrorist activities could include items defined in H.R. 8227 as "criminal justice information," "criminal justice intelligence information," or "criminal justice investigative information." The same can be said for foreign intelligence information concerning international narcotics traffic.

{ The regulatory provisions of H.R. 8227 cut across the legitimate foreign intelligence interests of the Central Intelligence Agency. The limitations in section 201 and 103b for example, would preclude the Agency from collecting or receiving information held by foreign or domestic agencies *appropriate of f.i. interest to have such information* concerning the subjects discussed above. The limitations in section 205 *this* would prohibit the Agency from disseminating foreign intelligence information to appropriate recipients, ~~such as the National Security Council or the Congress~~ were such information incorporates items defined as criminal justice information. I recommend that H.R. 8227 be appropriately modified to take into account that foreign intelligence information may from time to time include material which section 102 defines as "criminal justice information," "criminal justice intelligence information," or "criminal justice investigative information," and the necessity of this Agency to collect, receive, use, and disseminate such information and the need to protect such information in their possession. (section 2 of the attached memorandum discusses in greater detail the problems the Agency would be confronted with under H.R. 8227 as a non-criminal justice agency).

I would like to propose for your consideration the amendments to H.R. 8227 set forth in section 3 of the attached memorandum. I believe that would satisfy the above mentioned considerations while preserving the intent and objectives of the legislation.